

**TOWN OF ALTON
ALTON PLANNING BOARD
PUBLIC HEARING**

**January 5, 2010
APPROVED 1/9/2010**

Members Present: William Curtin, Chair
Timothy Roy, Vice-Chair
Scott Williams, Clerk
Thomas Hoopes, member
D. Hussey, Selectmen's Representative
David Collier, Alternate

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Lou LaCourse, Prospective ZBA Member
Members of the Public

I. CALL TO ORDER

William Curtin, Chair, called the Public Hearing for Proposed Zoning Amendments to order at 6:00 p.m.

II. APPOINTMENT OF ALTERNATES

W. Curtin made a motion to appoint David Collier a member for this public hearing. D. Hussey seconded the motion, which passed by unanimous vote.

III. APPROVAL OF AGENDA

D. Hussey made a motion to accept the agenda as presented. S. Williams seconded the motion, which passed by unanimous vote.

IV. PUBLIC INPUT

W. Curtin invited public input of a non-case specific nature and requested that anyone who wanted to speak should sign in. As this is a public hearing, public input will remain open for the entire meeting.

Mr. Randy Glines asked how many days notice the public is supposed to get that there will be a hearing on proposed ordinances. He had just seen it that day in the newspaper, and he had checked the week before and there was nothing posted. He is wondering how many days notice.

W. Curtin asked when the notice had gone in; he thought it had been in for a few days. S. Ames answered that it did go in; there was a clerical error with an incorrect number, so the reposting is what Mr. Glines had seen. It was posted on December 30, 2009 (the day after the last workshop) at the post office. Mr. Glines asked if there is a law that it has to be up so many days or hours; he is asking because not too many people heard about it, or they don't care. He read it in the

newspaper earlier today, and that is why he's there. He checked just before Christmas, and it wasn't in then. S. Ames stated that it didn't have to be in before Christmas; the actual posting deadline for posting was Christmas. It was posted in public places prior to the Planning Department leaving for Christmas holiday. S. Penney reiterated that the last day of official posting was Christmas Day, so the schedule of printing for the weekly newspapers was skewed by the holiday.

Mr. Randy Glines introduced himself and stated that he lives at 234 Frank C. Gilman Highway. It appears to him that either one of two things happened; nobody, or very few people care, or very few people were aware of it. That's his concern; these are some pretty important issues that the Board is requesting to have changed in their ordinances. If there isn't sufficient notice for the public to get there, to see the notice of the hearing, he does not think they should review these ordinances tonight. He is asking for the official number of business days or calendar days that are required for public notice for something like this. S. Ames thinks it is ten working days. Mr. Glines declared that too indefinite; there has to be a law. S. Ames said there is, but she does not have that information here. Mr. Glines asked if the Board knows; W. Curtin quoted "December 25 is the last day to post and publish for first hearing on a proposed adoption or amendment to the zoning ordinance. S. Penney said that it varies year by year as the municipal calendars vary. It is counted backward from town meeting. It also depends if you are an SB-2 town, if you have a regular town meeting, and she also believes there are also other variables.

S. Ames stated that even though it was not published yet, it was received at the paper on time; they have no control over the print date. Also, it was posted in other places. There have been several public meetings, which were all posted on agendas. Mr. Glines answered that he has read all the minutes since November, and no date was made certain for this hearing. There was no date in the minutes; it may have been discussed, but there was no date in any of the minutes for this hearing.

S. Penney stated that there was a list of all the meetings. W. Curtin asked Mr. Glines if he had looked at the minutes prior to November. Mr. Glines said he had read the minutes today, all the way back to September 29th. W. Curtin stated that it probably would have been discussed in December's minutes. Mr. Glines said there were several discussions regarding amending and the workshop process; he has read all the minutes for December. S. Ames pointed out that the first workshop was on November 19; the schedule was printed and posted prior to that. It has all of the dates and was posted in several locations, which should have sufficed.

S. Penney said that it may not necessarily have been cited in the minutes; it was passed out and included with all the postings. The actual schedule was there, as much as it could be ascertained, but definitely the Public Hearing was solid. There were fluctuations of the workshop dates based on weather and personal schedules and such, but that is the prerogative as long as it's posted in advance of the meeting.

Mr. Glines would think that the Board would be concerned that not enough people in the public have been notified or know of this meeting. With the presence of five members of the public here, and with the issues before the Board on these ordinances...

S. Ames stated that there is also a second Public Hearing on January 19, 2010, if need be. Mr. Glines said that is if need be; he thought that if the Board could get through all the issues tonight there would be no second meeting. S. Ames stated that if he feels there isn't adequate public input to the Board regarding these specific issues, he should by all means stand up at the end of the night and say he feels there should be more public hearing, in which case they will have a second

public hearing. S. Penney recalled that last year, with less noticing because they didn't have as many meetings, they didn't have anyone from the public.

Mr. Glines said that obviously some of the issues got him here; he attempted to get a hold of all the abutters and was not able to get anyone on short notice. He will take advice given and later on in the meeting he will request that there be a second hearing because it appears this is going to be brief.

W. Curtin reiterated that the next public hearing will be January 19. S. Ames confirmed the date and added that the hearing will begin at 6:00 p.m.

V. PROPOSED ZONING AMENDMENTS

Amendment #2: The Planning Board proposes to amend Article 300, Section 330, Elderly Housing to decrease the allowable dwelling units per structure from four (4) to three (3) dwelling units per structure. **Rationale: The purpose of this amendment is to strengthen the current Elderly Housing ordinance and clarify existing language.**

W. Curtin invited questions/comments. There were no comments on Amendment #2.

Amendment #3: The Planning Board proposes to amend Article 300, Section 330:5:4; "Overall density of elderly housing developments shall not exceed 3 dwelling units per acre excluding wetlands and slopes," and replace with "Overall density of elderly housing developments shall not exceed 3 dwelling structures per acre excluding wetlands, slopes, and roadways." **Rationale: The purpose of this amendment is to strengthen the current Elderly Housing ordinance and clarify existing language.**

W. Curtin invited questions/comments. Mr. Glines asked for clarification on the three dwelling units, versus three dwelling structures. A dwelling structure, as he understands it, could incorporate three dwelling units. S. Williams answered that he is correct. Mr. Glines asked if this is restricting the number; S. Williams said it is a reduction of the number allowable.

W. Curtin stated that the Site Plan Regulations have been changed and updated; he was not aware if Mr. Glines was aware of that. S. Williams invited Mr. Glines to grab a copy.

There were no further comments on Amendment #3.

Amendment #4: The Planning Board proposes to amend Article 400, Section 463:A:2; Restrictions Governing Use to amend "Duplexes and Multi-family dwellings must have a minimum of one acre per unit" and amend it to read "Duplexes and Multi-family dwellings must have a minimum of one acre per structure" and to remove the language "~~and no more than one duplex or multi-family dwelling per lot.~~" **Rationale: The purpose of this amendment is to strengthen and clarify the existing language of the ordinance.**

W. Curtin invited questions/comments.

Mr. Glines stated that this was going to affect the piece of property right next to him, which was restricted in September of 2009. This Board denied Mr. Ryan Heath's Workforce Housing change of use and one of the big reasons used was that he wanted to incorporate Workforce Housing as a Multi-family Housing plan, ignoring the language of this ordinance saying it didn't apply because

he was using Workforce Housing, which he depicted as something entirely different than general Multi-family housing. The Board Chairman himself said the ordinance was very clear, that you may have only one structure per lot. That limited the number of units he could put on the fifteen acres right next to Mr. Glines to four or five; he thinks it was five. Changing the language to the fashion in which it is worded in the amendment will allow him to put in sixty units, minus wetlands and steep slopes. That will make the project financially feasible for him.

Mr. Glines stated that he is extremely opposed to this wording; he believes they got it right the first time with one unit per lot. If a person has a substantial piece of land and they can subdivide it they can still get a large number of units into a Workforce Housing situation. It just so happens in this case with fifteen acres, the frontage and the shape of his lot, he can't get any more than one lot. That's restricting him to only four or five units under the current ordinance, and he does not want to see it changed.

He really doesn't think anyone on the Board here would like to have forty, fifty, or sixty units of low-income housing (call it Workforce Housing, but that's what it is) going in right next to them. The ordinance as it is worded restricts that from happening next to him. The ordinance, as it is proposed to amend it, will allow it.

S. Williams thought Mr. Glines might be a little confused. S. Williams said it must have a minimum of one acre per unit, so if he has fifteen acres, he could have fifteen units, previously.

S. Penney stated that at issue here were errors in the verbiage. There was confusion or an interchange of the word unit versus the word structure, one to mean the other. A unit is a portion of a structure; this is what the Board is trying to clear up at this point. Frankly, that was the premise for Amendment #2 and Amendment #3 with the Elderly Housing. It was badly developed all the way through from years back and there was an absence of correction to the fact that units and dwellings, which was further clarified to mean structures, were being used interchangeably when actually a unit was a portion of a structure. The math was getting quite confusing; what the Board is attempting to do now is to straighten out the language so that everyone can understand what is allowed on a particular acre. Also, there was an absence of the word acre per structure. So, as confusing as this is, it's actually seeking to clarify the intent and the measure of developability for any acre.

Mr. Glines agreed that he must be really confused, because he is reading this as multi-family dwellings and he believes in Amendment 7, that definition is still unclear, because in Amendment #7 it says "dwelling unit." He asked if, from the Planning Department's view, Amendment #4, as they are proposing to change it will allow 15 residences on 15 acres. S. Williams explained that a living unit is one unit. Let's say you have an apartment building. You have one structure, and if you have a four-plex, there are four units in the structure. So, the methodology is on the same page. The structure is what can house multiple units.

Mr. Glines used the property next to him as an example. It is fifteen acres, plus or minus a few square feet. If that was prime land, perfectly level and dry, are they telling him that the most he could have on that is fifteen units? S. Penney answered no, he could have fifteen structures. There could be three units in each structure, for a total of 45 units. Mr. Glines said that was the way he was reading it; he is understanding their proposal, and he is opposed to it simply because the density they are proposing especially in the area where he lives is completely out of character for the area, which he argued a couple of years ago and lost before this Board. He is stubborn; if they change it, this will make it easier. This isn't directly addressing Ryan Heath's request to

change his Elderly Housing to Workforce Housing, but what it is doing is laying the groundwork for him to have a stronger argument. Since this one ordinance, as it is currently worded, was a strong point against him getting his application amended, or his use changed, then he doesn't want to see it changed. If anything he would like to see it strengthened, not weakened.

W. Curtin said that could be done. End it on the forth line at "...per structure" and put in "and to remove the language 'and no more than one duplex or multi-family dwelling per lot'". That would strengthen it because he's only got one lot. S. Williams thinks that might undermine any potential Workforce Housing ordinance. In response, S. Penney stated that is the law. This is not site specific zoning, but she does understand Mr. Glines's perspective. S. Williams said they have to provide for this some place in town. Nobody is going to like it next to them; he would probably be that same guy. There is a need for lower cost housing in every community, particularly this community. In this community, you can't buy much under \$200,000 except bank foreclosures. We have got to provide this some place. He asked Mr. Glines for suggestions.

Mr. Glines made the point that Ryan Heath's proposal was not for condo structures. What he came in for was for rental property, and there is rental property in Alton, and there is rental property in neighboring towns. The need for rental property right now isn't there. He won't say it isn't going to be there a year from now, but a year from now the Board can address that. He doesn't know what else to tell the Board. He is diametrically opposed to this change they are proposing; he is certain Mr. Bergeron would be also. He couldn't get a hold of him or three other of his neighbors he knows would be here. That was the point in his earlier discussion about public notice. He is not accusing the Board or the Planning Department of not providing ample public notice. He doesn't know what it is, he was just asking for clarification. W. Curtin said that was understandable.

Ruben Wentworth came forward. He asked W. Curtin why he had been asked to sign in; it's a public meeting, and the last thing he know as a citizen of the town, he didn't have to sign anything. S. Penney said it was so they could identify who was talking on the minutes. Mr. Wentworth said he would say his name but he would not sign the paper.

He introduced himself as Ruben Wentworth. He understands Mr. Glines' comments, and he respects that. He is not for Workforce Housing, especially when the State and Federal government regulate it to us and don't help us with it. Right now, on Main Street alone, there are over twelve apartments for rent that are reasonable from \$600 with utilities included to a three bedroom house for \$800. Nobody can rent them right now because there is nobody to rent to. There is adequate affordable housing in Alton at this present time. He understands a place has to be made for them, but the way he looked up on the hill, if you can't get your special exception, you can't get it. The way it is there, all he would have to do is cut his size back. Is it affordable for him to do that way? Probably not, but it's not that they didn't allow him to do it.

A lot of them have businesses that are not allowed to do things the way they want to do them because it would be affordable for them. They don't do them because they just can't afford it the way the town is regulated or the federal government, especially small businesses like himself. When he talks small businesses, when he talks later, this is primarily businesses that have under five employees; the Mom and Pop stores of the community that have struggled to survive, especially in this economy, and have built this community up along with Lake Winnepesaukee. When he talks later, that's another thing he will be bringing up. The only places that can afford to get away with special exceptions are the ones who can afford to buy the town. That's happened before when big business has moved to Alton and bought the town 100 acres, so they can fill in

wetlands. Possibly, if you go to Workforce Housing, that could happen again to this community, and he is opposed to that. So he is going to have to say that he would like to see the Board strengthen the rules. You have to allow it but there is a way to make it hard for them, too.

Dawn Moore, who lives on Riverside Drive, added her agreement with Mr. Glines. She also just found out about this hearing today when she picked up the paper. She does not agree with increasing the amount of units per structure and then the whole idea of having more people would be a burden for that area. She lives right near the fire station and she can't imagine the increase in the flow of traffic; she thinks it would really affect a lot of things. They have probably already discussed the fact that if it did result in Workforce Housing, they are already in a problem with the elementary and middle school. She would hate to see it snowballing and just being a real problem. She can't imagine a lot of people in that area are for it.

There were no further comments on Amendment #4.

Amendment #5: The Planning Board proposes to amend Article 300 to include Section 332: Sexually Oriented Business (full text can be viewed in the Planning Department). **Rationale: It is the purpose of this amendment to regulate Sexually Oriented Businesses and related activities to promote the health, safety, and general welfare of the citizens of the Town of Alton and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses within the Town of Alton. The provisions of this Ordinance have neither the purpose nor effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials. Without this, sexually oriented business is unrestricted and allowed in all zones.**

W. Curtin stated that what this is saying is that if somebody wanted to come into town and put one of these businesses in, it can go pretty much anywhere. What they are trying to do is restrict them to a certain area. It has to be at least 500 feet away from a school, church, or daycare.

W. Curtin pointed out that the number on these ordinances is probably going to change. He knows it is 2, 3, 4, 5, through to 11. What they are trying to do is get notice out to the people of the town that these type of businesses can go anywhere, which the Planning Board is trying to control in some way, so that they're not here, there, and everywhere, Right now, the way they have it, they are going to go into the Recreational Service zone.

There were no further comments on Amendment #5.

Amendment #6: The Planning Board proposes to amend Article 500 Section 520:D Special Exception to include "Sexually Oriented Businesses" as specific required criteria to be granted a Special Exception through the Zoning Board of Adjustment prior to Planning Board Approval. **Rationale: To clearly establish required criteria of being granted a Special Exception through the Zoning Board of Adjustment prior to developing any sexually oriented business within the town.**

Paul Monzione spoke. He has reviewed the text of the proposed article and he has reviewed the text of this, but he forgets whether the Special Exception criteria are set forth in the Section 520:D. S. Penney answered that there is a reference in the document 332:5: Procedure that says "in addition the proposed site of the sexually oriented business must meet all of the general requirements of Article 500 Section 520 to the extent that they are not inconsistent with this section." P. Monzione asked if there were also specific criteria for this special exception that are

unique just to this, or if once they meet the special exception criteria generally, they qualify for the special exception. S. Penney said that was right. He also clarified that no sexually oriented business would be allowed without a special exception. S. Penney said that was correct. S. Monziona stated that was how those two are working together. S. Penney stated that the site plan is fairly specific for more restriction. P. Monziona asked another question with regard to the general article – he asked if the language was taken from articles of other similar towns as far as definitions of what constitutes the business. S. Penney asked S. Ames if it was from Londonderry. S. Ames answered that it was from Laconia and other surrounding communities. P. Monziona asked if it was language that was out there and perhaps tested. S. Ames said yes, and that it had been reviewed by Town Counsel as well.

W. Curtin also wanted to let people know that actual definitions have also been updated, so if anyone wanted to grab a copy of that, they are welcome to do so. That was updated back on December 29, 2009.

There were no further comments on Amendment #6.

Amendment #7: The Planning Board proposes to amend Article 200 Definitions, to amend the definition “Dwelling Unit: a room or group of rooms located within a dwelling structure forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating.” **Rationale: To clarify the difference between a dwelling structure and a dwelling unit.**

Mr. Glines stated that he had done his homework and made copies of the existing definitions and even after careful reading of both definitions he was still confused. He understands what they are trying to do. He thinks if the existing language were in this, so they would be able to see what it was and what it’s going to be when they have their second meeting, it might clear it up for everybody what the Board is trying to do. He did read the definition as it was in Article 200 and he made a copy of it, but he didn’t bring it. It is still somewhat unclear to him as to how it was eventually going to be read as a law. He thinks he knows what they are trying to do.

S. Williams stated that for the last twenty years or so the words structure, dwelling, and unit have been meant in different fashions throughout the ordinances. What they are really trying to do now is to get all of them grooved into one thing so they know a structure is a building that can have multiple units or one unit. The unit is habitable. Mr. Glines asked if going forward, they are attempting, in all of the ordinances, what might have been a building for residential use is now going to be a dwelling structure. S. Williams said that was correct. Mr. Glines asked if going forward each individual unit within that dwelling structure is going to be a dwelling unit. S. Williams said that is correct; if you really examine the ordinance and read through it in its entirety, you will see that it contradicts itself throughout the ordinance. That has been an argument of his for at least twenty years because it is very confusing. It can be either this way or that way, whatever works. That’s why the definitions are being clarified is to really zero this in so that that part of the thing is not in question. W. Curtin said that a dwelling structure right now, with the new definition, is “any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking, and eating.”

Mr. Glines said he was satisfied, he would just like for the existing language to be included in the amendment so that it’s clear. S. Penney and W. Curtin both agreed. W. Curtin said that a dwelling unit before was “one room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease and physically

separated from any other rooms or dwelling units which may be in the same structure and contain independent cooking, bathroom and sleeping facilities.” There was no definition for a dwelling structure.

Tim Morgan, a resident of Old Wolfeboro Road, has read this and thought that if Amendment 8 perhaps in defining a dwelling structure could, after the word “eating”, continue to say “and may contain one or more dwelling units” that may help clarify a dwelling structure as greater than a single unit. S. Penney agrees; that shows a relationship of a secondary. S. Williams said that would be giving an example of that idea.

There were no further comments on Amendment #7.

Amendment #8: The Planning Board proposes to amend Article 200 Definitions, to include a definition “Dwelling Structure: any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking, and eating.” **Rationale: To clarify the difference between a dwelling structure and a dwelling unit.**

There were no comments on Amendment #8.

Amendment #9: The Planning Board proposes to amend Article 400, Section 401 Permitted Uses: Table of Uses to allow Sexually Oriented Business in the Recreational Service Zone by Special Exception through the Zoning Board of Adjustments as well as Site Plan approval through the Planning Board. **Rationale: To restrict Sexually Oriented Business within the Recreational Service zone. Without this, sexually oriented business is unrestricted.**

W. Curtin pointed out that this amendment is going to have a different number on the ballot, and he does not want anyone to see these right now and think that this is what is actually going to appear on the ballot with the numbers. S. Williams stated that would be put together by the Town Administrator and everything could be jockeyed around, so pay attention when you vote!

There were no further comments on Amendment #9.

Amendment #10: The Planning Board proposes to amend Article 400 Zoning District Regulations Section 441 Boundary Description to extend the Residential Commercial Zone beyond its current boundary description through the Rural Residential zone along Route 11 headed south towards New Durham along the east side of the road. A full description may be viewed at the Planning Department. **Rationale: To allow commercial entities more opportunity for development within Alton, stabilizing the tax rate, provide job opportunity within the community and restrict commercial development to the outskirts of town maintaining the small town, village look.**

P. Monziona, a resident of 230 New Durham Road, would like to make it clear that he is opposing this in a personal capacity. He sits on the Zoning Board, but he is speaking out now as a resident and a taxpayer. As he lives at 230 New Durham Road, part of this might be self-interest. Beyond that, there’s a bigger issue. He’s a mile down on New Durham Road; he is personally far enough away from where this expansion of the commercial zone is being proposed, but he thinks it would impact his area residentially. More importantly, for the town in general, he thinks this is absolutely the wrong move for what the town should be doing about a commercial zone. The reason he says this is in both Amendment #10 and Amendment #11, in the rationale the Board has put “to maintain the small town, village look.” That is said in both rationales for both of these

proposed amendments. This is going to do exactly the opposite of maintaining the small town village look. The reason he says that is because expanding the commercial zone away from what is now the commercial zone; we now have commercial zone at the traffic circle where McDonald's and Hannaford's are and going north and going into the town, and going south somewhat on Route 28. That's the commercial zone going that way. Maintaining the village look is regulated by how structures can be developed, what they're going to look like, and so forth. This is going to do just the opposite; this is going to be as people come into this town. This is in the Master Plan. The people of this town made it clear in the Master Plan, during the survey that one of the things that is very important to us, living in this town, is to keep the rural, small village look; the charm and character of that. Why do we want to preserve that? Well, it's pleasing; aesthetically pleasing. We like it, it satisfies us. But, even if you want to be commercial about it, the reason you would want to preserve that is because this is attractive. This is what lures people here when they come out of the city and they come out of the urban dwelling areas where sprawl is everywhere. They get away from that and they come to this amazing, beautiful, gorgeous lake. Some people in their lives may get two weeks of a year to be in this place that we're in every day, living in. We get to enjoy this and appreciate this every day.

If he put a blindfold on you and drove you to Rochester where Wal-Mart is and took the blindfold off, you'd have Wal-Mart, a carwash, and a little strip mall. If he put you on an airplane and took you to Cincinnati, Ohio, Kentucky, Tennessee, California, Nevada, and put you in that same intersection, you wouldn't know where you are – you might as well be in Rochester. What you get is urban; it looks like the suburbs. It's no longer the small village, charming town that attracts tourism, that helps the tax base, that keeps the economy flowing, that is pleasing aesthetically to all of us who live here and get to be here every day. So now when you take this commercial zone and expand it down Route 11, just drive down to Rochester and look at Wal-Mart and that intersection, and you'll have a forecast of what people are going to see as they're driving into the charming downtown Alton area. It's going to be in horrible contrast with what they're trying to achieve here, both with the Master Plan and with the idea of keeping a small village. This is scattered zoning, it's sprawling zoning, it's taking commercial zoning and putting it in areas now where cows are pastured, where people have rustic, beautiful farmland, not to mention the wetlands that are across the road on Merrymeeting River.

You're taking the commercial zoning and instead of keeping it in an area where it exists and where it belongs, you're sprawling it and scattering it into the beginning of the town, and the outskirts, almost, of the town. As people come into what they expect to be a charming place, how are you going to regulate the small village, charming town look by expanding and sprawling the commercial zone in that area? Are you then going to say well, it's the commercial zone but you have to build a cute little structure that has clapboard and shutters? Once you make it commercial, it's going to be much more difficult to regulate something beyond what happens in that commercial zone. You'll have traffic impact issues on Route 11; you're going to have curb cuts and driveways all along there with DOT, and all that. He thinks they are creating a commercial plan that is ultimately going to fail and backfire. The rationale of preserving the small town, village look is going to be defeated as they do this, unless they restrict it terribly. Then, what are they allowing? Commercial is going to be either another box store or a Hannaford's or a Wal-Mart or something big, or just basic, as opposed to something charming and village-like.

He thinks the commercial zone should stay concentrated, and that it should remain regulated, and that they should strive to keep the town charming and small village looking, so that the aesthetic is still pleasing so that tourists will still want to come here and not feel like they've just driven for two hours and arrived in the suburbs; that they have come to a charming country village where

they want to vacation and spend their money, and bring people, and keep the tourism business going. He thinks this is the potential beginning to the end of that charm and the aesthetic character that attracts people to this area of the lake. In his opinion, this is the wrong move for the town. As he said, he doesn't like it personally because he's not going to like an increase in traffic and stuff that they're already dealing with what goes on at the traffic circle. His personal opinion isn't enough, really, to be considered when it comes to what's in the best interest of the town, but he thinks this is the wrong move. He would ask the Board to give this serious consideration. He agrees with the motives; he thinks they are doing an excellent job and that this is very well motivated in terms of wanting to stabilize the tax rate and keep commercialism going. He can't agree more about the need of that, but he thinks this is ultimately going to do just the opposite of what they are trying to achieve when they start destroying that which is our most valuable asset, and that is the character and attractiveness of the town. He would say the same thing on Amendment #11, so he won't stand up again as he thinks they go hand in hand.

T. Roy asked P. Monzione if he has a suggestion as to where they could possibly expand the commercial zone. P. Monzione answered that he would love to have a suggestion on that, but frankly he hasn't taken the time to study it. T. Roy asked if he realized that the commercial zone is very limited right now, and there is a need of expansion. P. Monzione said he does; he thinks there would be a need of expansion now if people were submitting applications on a regular basis to build things in the town, that were going to employ people and do it within the character and spirit of the Master Plan. He thinks they are all guided by that in terms of what the taxpayers and the voters and the citizens have said about what they want to do in this town. If there was this urgent need of doing that, some compelling need of maybe thinking about spreading it into these farmlands and along the river, and lets make it go down Route 11, maybe they'd have to take another look at it. There is a need, long-term and future, to have a larger commercial zone. He understands that. To scatter it or sprawl it south he thinks is incorrect. He thinks that there is sufficient area heading toward where the village center, where they stand now, is located. In that direction, going out, you have the school, you have the fire house, and all of that area, expanding into areas that are more cohesive with where it is now as opposed to taking it out on what is almost an outskirt of it. The town kind of starts at the circle and goes northward.

T. Roy stated that he knows what P. Monzione is saying, but it doesn't make much sense to put a commercial zone out on Powder Mill Road. It makes more sense to put it in a highly visible area.

S. Williams said that the rationale was that it was basically in the circle. T. Roy said no one wants to move to the circle. No one wants to build a house there. D. Hussey stated that anyone coming into town right now wants to be located there in the circle, commercially. S. Williams said they were trying to be a little proactive with this, rather than reactive. If you're being reactive, sometimes you're hurried and you're not sure of yourself and you make mistakes. They are trying to work on this. D. Hussey reminded P. Monzione that in his own words, he said this has to be done, but basically what P. Monzione is telling him is that he doesn't want it in his backyard.

P. Monzione said it's not quite in the backyard, and he's trying to make clear that when you go past the circle... There is area around the circle now that is all commercial. He understands and accepts that; they have Huggins coming in, and all that is going on in there. He understands that. It's already in his backyard, and is really not a valid argument. That is irrelevant, frankly. What he thinks, though, is that as you get off the circle and start heading south, that is where you have to be extra careful because now you're encroaching into an area that is extremely rural. There are cattle grazing there, there's farmland, it's across the highway from the river. Before Route 11 went in there, his property went all the way down to Merrymeeting River. Old New Durham Road

and Old Bay Road was the old Route 11. There is no question when you look historically and topographically that the area they are proposing the commercial zone expand in, they are looking at a very rural area, which is why it is zoned as it is zoned. He thinks they have to be careful as they expand and sprawl into those areas and do it extremely carefully.

The proposal, as he understands it, is not limited to the traffic circle. He thinks the traffic circle is pretty much a done deal. They're going down five or so lots south to include Lot #54. He thinks the point is that they are going to far south from what is the commercial area now. The traffic circle and all that surrounds it is commercial, and it should be. The commercial zone should be moving the other way, toward the center of town, toward what is already commercial now. To go into these rural areas, and these agricultural farm-type areas and spread the commercial down that far he thinks is going to end up defeating the rationale that they are striving for here because if you envision it, in the future,, he doesn't see how that's in keeping with the small town, small village look, if they go that far down Route 11.

W. Curtin said that the original concept had been to go all the way to the New Durham line. After doing a bunch of research, they narrowed it down to just those lots because of the soils and wetlands, and there is an aquifer that runs down through there. One of the other things they were thinking too is to keep it at the traffic circle, just for the fact that you come into the traffic circle and here are all the businesses. You've got Hannaford's, the gas station, Dunkin Donuts, McDonald's. Once you're in town, all that stuff is behind you. Then on the way out of town, all the stuff is behind you. You'll still have the quaint, in-town feel.

S. Williams explained that one of the things they had felt is that the lot that is just on the right-hand side of New Durham Road, opposite McDonald's, is the Rural Residential zone. McDonald's was Rural Residential zone; they came to the ZBA and got it changed. Across the street, where the hospital is going to put their facility, they came to the ZBA to get it changed. People are going to come to the ZBA and start chipping away at this, and their hands will be relatively tied as to what they can do because they have granted all these already.

P. Monziona answered if they come in and they meet the criteria for a variance of the zoning that is already in place; if they use that rationale, they would eliminate all zoning, just saying anybody can come into any zone and put something else because if they qualify for a variance they'll get it. He's right; if they qualify for the variance they will get it, even if the zoning doesn't permit it. But, that still is a far more restrictive scenario than opening it up now.

You go to Somersworth, where all the car dealers are. You're going to have a strip like that. The only reason you wouldn't have a strip like that is because they're going to have a river on one side, so they couldn't be driving down like you would on Route 11 in Rochester and see car dealerships and motorcycle dealerships and everything. You've got a suburban strip, and then you drive through that and hit the village. Then you come back and you drive through it to leave. You've just eliminated all that rural character that people are looking for coming here. Now, Rochester blends into Farmington, into New Durham, into Alton. It's just a matter of time before it all happens, and pretty soon this small town village appearance, because once you do this, it isn't going to change again. This isn't going to get slower in the future; it's not going to go back to being charming. It's the beginning of having complete suburban businesses lining Route 11 right into downtown Alton. So, your village is going to be right here where they're standing, and everything before this is going to be like it is in Somersworth or Rochester, wherever they want to look.

T. Roy again asked P. Monzione to give them a suggestion as to where they can go; Powder Mill Road is pretty much out of the question. W. Curtin suggested that he drive right down Main Street; 90% of it is zoned Residential Commercial. There are twelve – fifteen acres down by Levey Park; would he like to see a Walgreen's there? P. Monzione said that this expansion of commercial zoning in this direction is not going to prevent Walgreen's from going where W. Curtin had just said. It's going to allow more, in addition to that, to go even further down the road. What's done is done; they've got commercial zoning if somebody qualifies to put up a large box store next to Levey Park. If they qualify, it's commercial, it's already zoned, and they're going to do it if it makes sense. There's nothing they're going to do about it because it already exists. What he is asking is how far they want to see it go before they start worrying about losing that which they are using as their rationale for doing this. He just sees the two as being completely inconsistent. He agrees with them; the rationale should be, as the Master Plan would say, to keep the small town, small village look. Expanding the commercial zone, and going in that direction does just the opposite. He doesn't see any two ways about it. Envision the future and see what that strip of the town is going to look like after it's developed, and then tell him how they maintained the small town, small village look.

He does not know what the real answer is. As he stands there tonight, he is certainly not prepared to give them one because he hasn't put himself in the Board's position to study it. What he is suggesting to them and what he is asking them as a Board to do is to look for an alternative to this that makes sense and that will allow them to better achieve the rationale of maintaining the small town, small village look. He thinks they can get there.

T. Roy explained that the sense it made to them is that it's five lots; they're only talking about five lots, and where else? W. Curtin asked if they should run up Route 28 north; that's been thought of, too. T. Roy again reminded P. Monzione that he himself had said it needs to be expanded. Where else would it make sense? He really wants to listen; that is the only thing they have on their plate right now.

P. Monzione acknowledged that it is a tough analysis for them to do. Again, he is at a disadvantage because he hasn't done that kind of careful analysis to be able to offer them an alternative suggestion right now. He is wondering, too, about the urgency for this now. Again, if the economy was booming, and building applications were being submitted daily in the Town of Alton so developers and other people and commercial interests could come in here, build facilities, and employ everybody and really pay taxes and do all that, then he would be saying let's scratch our heads and let this sprawl a little bit for five lots down Route 11, and maybe there's no alternative. To do this now, under these circumstances, where perhaps with more time and a different consideration of where it might go; if there was an urgent need, then maybe. If there is time, he would like to see it thought of.

S. Williams again stated that they are trying to be proactive. Whatever you do in life, if you don't plan for it, it isn't done in the best way. They're trying to plan for it so it happens in the fashion they want it to. The president says the economy is going to turn around next year.

D. Hussey stated that in his experience, if a piece of land isn't ready to build on, they're going somewhere else. They're not going to sit there and wait until the following March to try to get something in, or they're going to go in front of the ZBA. He's seen many people take a look at a piece of land, and if it's not commercial, they go on to the next town. They're just trying to be a little proactive; it's not going to raise the people's taxes.

P. Monziona stated that what he sees is the balancing that the Board has to achieve is the idea of satisfying a developer who wants a lot ready today, who may or may not even exist, versus maintaining the charming village, small town character, which if you don't even care about the aesthetics and preserving this. It is a commercially smart thing to do because that's what makes this area attractive. The businesses are primarily, (and not to speak against people who have year-round businesses) are summer tourist oriented business. We who live here year-round go to all the stores locally, and we shop year-round. The population quadruples in the summer; we all know it, and so does the incoming revenue into this area. The reason it does that is because we offer people something they don't get anywhere else, and that is a beautiful surrounding that they want to pay money to rent a room and come stay here and enjoy. That is why people say small village look; why does the Board think that is important? Is it because some of them just like it better? It is because they recognize the commercial value that has.

His point is that expanding the commercial zone the way the Board is proposing is completely contradictory to maintaining that valuable asset. He doesn't know what the alternative solution is tonight, but he's not as concerned about some guy wanting a lot ready this evening or in three months from now, as he is about the big picture; the most valuable asset, which is preserving what we have. He doesn't know what else to tell them, but he just would ask that they give it some reconsideration and not decide this now. He guesses it's going on a warrant article if the Board decides that, so it will be ultimately up to the voters, but as they consider public input and whether to do this, he just wants them to please consider that point, as he is sure they already have.

W. Curtin said they have thought about it. The people who own these pieces of property don't have to sell them to anybody. P. Monziona said it is the beginning of a process; once it's begun it is sometimes hard to undo. As people get good offers on their property... There used to be a beautiful house where McDonald's is, there used to be a farmhouse down by Wal-Mart. If these companies want the land, eventually they'll get the wherewithal and the financial means to get it. He is just thinking ahead to how these things work and what we're going to end up with down the road, and whether it's going to affect the economic base of this town, which is the tourism and the attractiveness of this town. As they compete with Wolfeboro and some of these other places that are very attractive, it's nice to have that attraction here as well so people, when they're travelling around, are going to stop and stay here.

Alice Ziegra read a prepared statement. She is Alice Ziegra, also known as Alice Calvert. She is the owner of the largest piece they are considering changing the zoning on. She is here to ask for more details of why they are considering it. Why now. They answered some of them through P. Monziona's questions, and she agrees with everything he said. She wants to know why these small locations; this is a little tiny area. She supposes it's a start. New Durham Road is almost on the rotary, for one thing.

In reading the current zoning designations, it appears that Rural Residential already has around thirty commercial permitted uses. Adding changes would add maybe twenty more. She read the current permitted residential uses. They are: residential; single-family dwelling, duplex (two-family), and multi-family dwelling; manufactured homes; pre-site built homes; dwelling for the elderly; combined dwelling and business; institutional uses; kindergarten or day care; nursing home; retail business and service; financial or business office; funeral establishments; general stores; gift shops; antique shops; craft shops; golf courses; golf driving ranges, including miniature golf; greenhouses; lodging houses; bed and breakfast; self storage facilities and warehouses indoors; market gardens and flower nurseries, trees, and shrubs; professional offices; recreational

uses not for profit; repair shops for appliances; riding stables and riding academy; small engine repairs; open space agricultural uses, conservation, and forestry.

Those are also included in the commercial residential, but all of those are already permitted in rural residential. That's an interesting thing; if this were to pass, you would add churches; private clubs; public and private educational institutions; schools; government buildings; libraries or museums; public recreation; utilities; gas stations; barber and beauty shops; boat sales and service; building trade or repair shops; hotel or motel; laundry and dry cleaning; marinas; medical centers; parking facilities; pharmacies; printing for commercial uses; retail stores; and auto and sports sales. There are no agricultural uses. That would be eliminated if her area were to be changed to Commercial Residential. Only forestry and conservation would be permitted.

She reads this because they are a very small, wet, and hilly area with limited access. Any developer would certainly consider all of this. Finally, the Route 11 side has no access. When they bought the land forty-eight years ago, and the road came through forty-six years ago, they requested an access onto Route 11. There are none; the only one is down where Chicky Gilbert used to live, all the way to New Durham. That would be a problem. She supposes you could request one from the DOT to make a variance; whether they would do it or not, she has no clue.

Two of the lots are very small. You would have to buy a whole bunch. They have steep slopes. Hers has two brooks, one on either side of her road. There is a large marsh, and a pond. With all they have been going through with Mr. Bahre in the Hannaford's, this is a lot wetter on the whole area along there. As far as beckoning commercial enterprises, this is the nitty gritty when someone is going to go looking at it. Two of the lots are small and have steep slopes, hers has the two brooks, and the one that ends up by McDonald's is triangular, and that is very wet. It has a culvert under the road that they blocked up on the other side to get the water out of there, and it's all wet almost all year round until it freezes, or maybe in the fall. It's right next to the access for McDonald's; how far down can you go for that. They tried to have some sort of a boat repair place and that was turned down a number of years ago.

She questioned whether this change is something that is in the Master Plan. She has not looked at the Master Plan. She also asked what the proposed changes are at the traffic circle. There's enough congestion there now, and then they're going to try and fix it. How far back are they going to come? W. Curtin answered that the plan for the traffic circle right now is that, where it comes straight down Route 11 and into the traffic circle; that's going to veer off to the left. You're actually going to have to go into the traffic circle and yield to anyone who is in there, and bear around to the right if you wanted to go to McDonald's or Hannaford's. That's the only change, and maybe some signage and bigger islands. Ruben Wentworth, when asked by W. Curtin, stated that there is a possible different plan in Concord that would have them going back to the original roundabout plan. That's what is being put out there right now; whether it is true or not, he can't say.

Mrs. Ziegra feels that that puts more in question putting something in there now that might be skewed later on. That was one more question she had. Like P. Monziona, she would like to know if they can postpone some of these things and have a charrette. Have a planning meeting on just exactly what they are trying to do and concentrate on that. Just say okay, down the road we know we're going to have taxes, but also we want to preserve the rural character. How about having a concentrated meeting and come up with something more sensible. This is a little dinky thing. She heard once about something called spot zoning; she asked if this was spot zoning. W. Curtin answered that this is an expansion. She asked what spot zoning is. W. Curtin answered that spot

zoning would be like taking Alton Mountain Road, which is zoned RU or RR, and throw commercial zone in there. That would be spot zoning. She said she had heard it bantered around, and never heard any kind of a definition.

To finish up, she would like to see the Board consider postponing their proposed changes because all of the ramifications are small; it is a small area with wetlands, steep slopes, limited access, and the unknown changes about the traffic circle, and they don't know what's going to happen to the congestion there. To postpone this particular change isn't going to hurt; she would request that they give that some thought now.

W. Curtin asked if all her questions were answered; she said that they were.

Ruben Wentworth got up to speak. The area that is in question is all wetlands. The reason no one has done anything with that place across from McDonald's is because of the wetlands that are involved. Mr. Hussey can attest to that. Also, Route 11 is a limited access highway, so it would be hard to get access. That means most of the access would come off Old New Durham Road. The rationale on the proposal says to sustain the tax rate. He's never yet seen a commercial area sustain a tax rate. Every place he has gone and looked at in the last five years, building of commercial increases the tax rate. You will need more fire, more police, more sidewalks, more town roads, and more maintenance crews. That increases the tax rate. He doesn't even think with Hannaford coming over it has sustained the tax rate. He doesn't even think it helped the water department that much. What he is saying, as a small business man, if you put all of the commercial down there, you might as well close up the rest of the shops on Main Street, because there is no reason to come into the village. Two, it does take away the character. That traffic circle is part of the small village look. That's one of our things, and that's one of the business association's mottos – from the circle to the bay and beyond.

Most people, like Paul (Monziona) said, used to come here for two weeks out of the year when he was growing up. They'd come up, bring the family and the kids, spend two weeks, do a lot of shopping then they would leave and go home. Every year they would come back the same. Now a lot of folks come up and rent a cottage at Sandy Point for the whole season, from May to October. There's a reason. They leave what they have. Most of the people he sees when they come into his store every day, he asks them why they came to Alton. They say it is a beautiful little town; they left the city and got out of the concrete jungle and came to an area where there are trees. There is only one light now; he remembers when there were none, and he is still opposed to that. There is a reason they come. Then he hears a couple of them (Board members) saying they need businesses. We do need business; we need Mom and Pop businesses. You don't need big business. You don't need a big box store.

Three years ago he stood before Sharon and the other Planning Board that was here and asked when they were going to put in a regulation size on what a building can be. He asked at that time for a 35,000 square foot limit on the size of buildings. Someone said that would make Hannaford's non-conforming, so he suggested they go 37,000 square feet. Now it's his understanding Hannaford's wants to expand into where Meredith Village Savings Bank is and square off the building. That's going to expand their footprint. In this zoning they don't say what the square footage of a building can be, so now they could have a Wal-Mart come in. These big businesses might bring in some jobs; they're going to be \$9 an hour jobs, and he provides \$12 an hour jobs and so do other businesses here in town. You're still going to have to bring people in to support those businesses; Alton can't support those businesses by itself. Alton couldn't support

Hannaford by itself. They get Wolfeboro, New Durham, Gilmanston, and Barnstead. Alton can't afford to support just those businesses.

Think about what they would do to the character of the town. He has lived here for forty-eight years, born and raised, and there is a reason he stays. It's not because of the business he has; it is because of where he lives. He has twenty-one acres of supreme land; it's quiet, he has no neighbors, and he likes it. If the Board said they were going to put it up there, he would probably fight them there too. There is an area on Route 11 that is all beauty. They have a view shed here, and they are losing it, as he thinks a lot of the Board members can even admit to that. The trees are disappearing left and right on all the slopes. That was part of their view shed; it was part of their watershed to hold back water. Where Alice and all of them live down there, he would be upset with down there too. Their property values will go up if that is made commercial. The first store that gets developed in there, the town assessor will look at it and say that the property is worth more because there is a commercial building that is worth more. They do up the assessment on the property, and the taxes do go up.

The way he looks at it, the Planning Board is saying they need businesses. He asked D. Hussey and T. Roy what type of businesses they are looking at for our community. D. Hussey answered that he would be looking for more of a low-impact business; something clean and environmentally friendly. He is not looking for a Wal-Mart. He's hoping that people come in front of the Board that they would be looking at the architecture to fit in with the town; he thinks they have all talked about that. So far they have tried to do that. He wasn't involved with Hannaford's, but he thinks they did try to make the store look not so much like a big commercial steel building. He thinks that is what everybody here wants. They want it to fit in no matter what it is. They're not just going to let a Wal-Mart come in and put a 100,000 square foot building in there. He doesn't want to see that. Mr. Wentworth remarked that they don't have a limit on it. D. Hussey said he agreed, and maybe they should look at that. He personally doesn't want to see the big Wal-Marts, the Sam's Club and stuff like that. W. Curtin said he would like to see manufacturing. D. Hussey said they would like to look at a clean store; something that is environmentally friendly and can help the community and not take away from the business that is here now. That's what he's hoping; he doesn't want to see another hardware store. There is no need for another hardware store.

Mr. Wentworth said he is not worried about competition; he has three stores now. He has always worked before, and he will always work after. D. Hussey said that right now, we are basing our tax structure on the lake. We've taxed those poor people to death. He knows of foreclosures on the lake right now, and the reason for the foreclosures is because they can't afford the taxes. Mr. Wentworth said that 75% of our tax base comes from Lake Winnepesaukee. He will also say that our system in the state of New Hampshire is a fair tax; the rich pay, and the people who work at a lower level pay less in taxes, and they don't have the multi-million dollar homes. These folks wanted the multi-million dollar homes, it's a fair tax. D. Hussey pointed out that there are people who have been here for eighty years with these little tiny cabins, and they're being taxed \$21,000. Mr. Wentworth said he is aware of that, and he doesn't say it's right, but they haven't turned around and sold them.

D. Hussey said that he doesn't want to see this go rampant. He doesn't want to see every Tom, Dick and Harry come in here like Rochester. He was hoping they could do some expansion, and kind of pick and choose the people they're looking for. They're smart enough to actually do that. That's the way he is looking at it. He wants to see some kind of revenue come in from this that is going to help everyone. He does agree that it has to be done slowly; they have a committee set up

and they are looking at the rest of the town. They are going to be looking at wetlands; they're going to be looking at all roads coming into the city. They've talked about where the best place is to put these. Right now they were just looking to expand around the traffic circle so if businesses happen to come in, at least they don't have to turn them away and tell them they can't come to town because there is no more commercial space. Going down to the village is all there is left. That's the only commercial space left. Do they want to go in there and rip down ten houses and throw up a great big department store down there? You are pushing them down into the middle of the square because there is no place to expand.

Mr. Wentworth disagreed and cited that Alice had read several businesses that are allowed in this town, in the Rural Residential. He disagrees wholeheartedly on that. The other thing about sustaining the tax rate – look at Rochester. What is their tax rate compared to Alton? They have an industrial park, they have commercial buildings, and they have a Wal-Mart. Their tax rate is still higher than ours. Laconia and Claremont, same thing; they have those businesses, and they're considered poor communities. We do have the lake, and he does feel for some of those families who were forced out by the tax rate and what they were assessing square footage on. He agrees wholeheartedly. But, if you don't limit the size of your business, and right now it's allowed down there by special exception. Huggins was allowed by definition, not so much by special exception, but the parking was done because of the way the ordinances were written. It wasn't what was really allowed because there is a part of wetlands over there; Huggins isn't touching over there. Businesses are still allowed there; they've got to go through special exceptions. Businesses will go through special exceptions; they've shown it in the past. Hannaford's did it. Hannaford's also got to fill in wetlands because they gave the Town of Alton 100 acres of wetlands. We sold out to a big business to give them wetlands so they would give us 100 acres. The average person could not afford to do what they did. D. Hussey agreed.

S. Williams said he does not want it to be thought that it is only retail they are looking at. There is one gentleman who has an engineering firm; he sold his business in another place and would like to open one here in town. This will provide higher paying, professional jobs which would be a great benefit.

Mr. Wentworth said that technology is where it is right now, especially in our country. He is just asking if they will maybe consider this another year. T. Roy said that for twenty-five years that he is aware of, this town has been looking to expand the commercial zoning and nothing has ever been done. Mr. Wentworth pointed out that the Route 28 Corridor was just done about ten years ago; he thinks it was allowed to put some commercial up through the Route 28 Corridor. He remembers it being on an ordinance. T. Roy said it might have been on an ordinance, but it is not there now. Mr. Wentworth said it is Rural Residential with Commercial allowed with certain exceptions. S. Williams said he believes it is Rural. The other half of it, if they look at where My Place Pub used to be, that was Lakeshore Residential on the lakeside, and that is what was changed. Mr. Wentworth said he remembers it from about ten years ago because there were poster boards down at the voting area because they were trying to change Route 28 at one time. S. Williams said that is still an area they are looking at. Mr. Wentworth said that Route 28 North does not affect many neighborhoods. S. Williams pointed out that accessibility is another issue; there will be accessibility issues wherever they try to go. T. Roy stated that it becomes spot zoning if you just plop it right out in the middle of Route 28.

Mr. Wentworth asked if it wasn't spot zoning to a point if they are going to put it in one spot on the traffic circle. T. Roy said no because they are expanding the existing commercial zone. Mr. Wentworth said they are expanding it, but it can be done by Special Exception. W. Curtin said

that right now it is zoned Rural Residential; anybody, like Hugigns, can go for a special exception for the one piece. Even McDonalds, when they went in there. That zone was expanded to RC, which is Residential Commercial. What they were originally going to do is come up with a commercial zone. To do that, they would have been jumping through hoops, so technically what this is, is an expansion of the Residential Commercial zone by going out the five lots. Mr. Wentworth asked if the right hand corner wasn't already allowed to have commercial in it. S. Williams answered that it is RR. Mr. Wentworth asked if it would be allowed by Special Exception; S. Williams answered that anything could be allowed by Special Exception. Mr. Wentworth suggested just leaving it alone.

T. Roy said that without doing this, you get a situation like Dunkin Donuts. They came in, pulled down a house, and put up their business. That's what's going to happen in our cute little village, and that's what they want to prevent. Mr. Wentworth asked if that could still happen now. D. Hussey answered that it could. Mr. Wentworth asked if, after they pass this, it could still happen. D. Hussey said it could.

W. Curtin said that what they can do downtown is change it from Residential Commercial to Rural; run a whole strip right down Main Street. Mr. Wentworth pointed out that this would make more non-conforming uses out of the businesses that are already there; he is already non-conforming. W. Curtin said they would be grandfathered, whatever is there now. Mr. Wentworth said that is a great point about grandfathering; if he ever had to come back before the Planning Board to go into another lot, which he tried to do a few years ago and was shot down, he would never even try it. All he is saying is why make more non-conforming, just to make a part conforming? W. Curtin acknowledged his point.

T. Roy asked Mr. Wentworth if he had any suggestions where the commercial zone could be expanded; there is an obvious need to expand it. He asked Mr. Wentworth to right down a suggestion and come to some of the meetings. S. Penney pointed out that there is a charette in the future, and he would be invited. D. Hussey said that they have actually said in their meetings that they would like to have people come and give their suggestions. They would love to have them.

Mr. Wentworth said he never goes to the Post Office; his mother does that, so he doesn't see the notices. He has asked the town, when they are putting jobs out to let them know so local guys can get on board. He has asked them to fax it to him, but that doesn't happen either. All he is saying is that they do need to find a better way, because he did read it in the *Daily Sun* today. When he read it, it almost looks like the way the cases are laid out, the way it looked on the *Daily Sun*. Somebody just going by it would see Planning Board, and it looked just like cases. He intends no offense; it was there and he knows it was in last week's paper because his mother told him it was in last week's paper too. That page today looked just like a case listing; that's why he almost went right over it. It didn't stand right out as a public hearing.

Mr. Wentworth said that the fifteen acres out by Levey Park is straight up the hill. S. Williams said it is deed restricted as well. W. Curtin asked what about Fiori's. Mr. Wentworth said that could happen; the town is never going to be perfect the way they want it.

S. Williams suggested that another area they may want to look at, but would probably also get a lot of opposition to, would be a historic zone in the downtown area, which will really lock it up if they want to preserve their rural character. Once they go that way, you can govern the paint.

Timothy Morgan agrees with this committee that they need to expand the commercial, and he has listened to what this Board has to say the other night about the tax base, and he agrees with that. He thinks T. Roy's point is real well taken; where do we go and what do we do. He doesn't know the answer to that; he's not smart enough to answer the question. He did watch a very interesting dynamic this past year when the DOT was coming here to talk about what to do with the circle. They held a number of public hearings and a lot of people turned up at those. They were well attended; both the one's at the high school and at the Gilman place. They were well attended, a lot of people had opinions and he thinks they were able to sway the DOT to avoid some of the things the people of the town didn't want. He thinks maybe the answer to this commercial property issue lies in public hearings like that; charettes and public hearings where we get people in here who can say this would be a good idea. The collective wisdom of the people of the Town of Alton is greater than the individual wisdom of any of us. He thinks, barring what Ruben just laid on them about something from Concord (referring to the configuration of the circle)...

SHORT BREAK TO CHANGE VIDEO TAPE

Mr. Morgan continued. His request is that they find the resources and the time to schedule a series of charettes this coming year and ask the collective wisdom of the people of the Town of Alton to answer this question for us about where we should be and what would be satisfactory to them. He thinks they will probably come up with a pretty good solution.

W. Curtin asked if he was suggesting that they leave the ordinance there and let the voters decide. Mr. Morgan answered that he would just as soon it not appear on the warrant because he thinks it is difficult for people to understand warrant articles. If the Board feels compelled to leave it as a warrant, then he thinks it should be as carefully explained as it can be to the public. It's a difficult concept for most people to really grasp and understand, and he thinks it could be divisive in the long run if you have a warrant article that's turned down and then we try to generate interest in charettes and a possible solution. Maybe we've already put a stigma on this by having a warrant article and not an open discussion. W. Curtin acknowledged his point.

There were no further comments on Amendment #10.

Amendment #11: The Planning Board proposes to amend Article 400 Zoning District Regulations Section 441 Boundary Description to decrease the boundaries of the Rural Residential zone from its original boundaries to accommodate the increase in the Residential Commercial zone. A full description may be viewed in the Planning Department. **Rationale: To allow commercial entities more opportunity for development within Alton, stabilizing the tax rate, provide job opportunity within the community and restrict commercial development to the outskirts of town maintaining the small town, village look.**

S. Williams stated that this is basically a negative of Amendment #10.

P. Monziona stated that once this reduction is done, the residential properties that are there would be grandfathered. S. Williams said that if the residential properties wanted to stay residential, their tax structure, how the town looks at them; nothing will change. They have gone to the town assessor and gone over that with him and that is the information he gave them. P. Monziona is wondering if, once they find themselves in the commercial zone, if they wanted to do something that would otherwise be permitted in a residential zone, they would not be grandfathered for that because you are grandfathered as you exist. This is not simply an inverse of the other one; it could have an affect on what the property owners can and cannot do with their own property. The may

find themselves restricted and having to come for a variance if they wanted to do something which otherwise they may be able to do without any problem, now that they are in a commercial rather than a residential zone. S. Williams pointed out that Mrs. Ziegra had alluded to one instance when she pointed out that agricultural use was not permitted in the commercial zone. P. Monziona stated that is something the Board needs to understand; more than just the converse of Amendment #10, Amendment #11 could affect the people who live there. By taking them out of the residential zone and placing them in the commercial zone, they can exist because they're grandfathered, but grandfathering has a certain restriction; you leave everything status quo. If you try to alter it, you can't go beyond what is grandfathered, but if you want to do something that would otherwise be allowed in the Residential zone, you can't do it unless you come in and follow any procedure.

W. Curtin agreed; once you change that use, then things are going to change.

Mrs. Ziegra asked if this was going to bother her cows. S. Williams stated that the cows would not mind. They would have no idea, unless she told them!

There were no further comments on Amendment #11.

S. Williams made a motion that they hold the January 19, 2010 Public Hearing, just in case anyone might feel they were not noticed properly. Meeting is to be held at 6:00 p.m. Motion was seconded by D. Hussey and passed by unanimous vote.

W. Curtin confirmed with S. Ames that the meeting on January 19 has already been posted. She answered that it has, but because they are adding language to Amendments #7 and #8, they will have to be reposted, so they have to go to second hearing as well.

Mr. Glines said he thought they were going to amend the language in Amendment #4 as well, to make it more restrictive than the way it's worded now. He still wants to make the point that he wants the "dwelling per lot" to remain, instead of the "dwellings per acre." As it stands now, on the piece of property abutting him, only one structure can go up on it. The change proposed in this amendment will allow fifteen dwelling structures. In some of the workshop minutes he saw three units per dwelling structure; S. Ames pointed out that was Elderly Housing. They changed it from four to three. Mr. Glines went on to say that his concern is that the property abutting him is a settled issue as far as Elderly Housing. That was passed and approved by the Board. The application was brought before the Board last year to change the use of that to Workforce Housing. Workforce Housing has different dwelling units per dwelling structure. T. Roy said that is to comply with State and Federal Regulations.

Mr. Glines stated that our ordinance, as it states right now, says only one dwelling structure would be allowed. The way this is proposed to be reworded, fifteen will be allowed – one per acre. He objects to the wording on that. He would like to see the wording remain "one dwelling structure per lot."

S. Williams asked if there is any time to schedule a workshop to discuss this. S. Ames said it would have to be very soon, as there is a deadline for posting changes for the second public hearing.

S. Penney stated that this was done with poor, fatigued writing from way back, and lot and acres are not mutually inclusive. That's where the math was all askew.

S. Ames said that she believes that Mr. Glines is trying to say that he would like to see “duplexes and multi-family dwellings must have a minimum of one acre per structure and no more than one duplex or multi-family structure per lot. Mr. Glines confirmed that he only wants one dwelling structure per lot. S. Ames said that in using Ryan’s project as an example, in order for him to get the fifteen structures, he would have to subdivide. Mr. Glines said that was correct.

S. Penney asked what the rationale would be to subdivide unless you were going to split them up and sell them, other than to confine the number of structures you could build. Some lots are one acre, some lots are fifteen.

Discussion returned to the subject of scheduling a work session. S. Ames said they would need twenty-four hours to post. It was decided that they would have a Work Session at 5:00 p.m. on Thursday, before the ZBA meeting at 7:00 p.m., specifically for the language changes to Amendments #7 and #8, and to continue discussion on Amendment #4. S. Williams invited Mr. Glines to attend. T. Roy asked Mr. Glines to try to write out something that would be satisfactory to him; the Board would hash it over and see what happens.

S. Williams made a motion to hold a workshop session on Thursday, January 7, 2010, at 5:00 p.m. Motion was seconded by T. Roy and passed by unanimous vote.

T. Roy suggested that might also be a time to discuss what T. Morgan had said about Amendments #10 and #11. If it does get voted down, you’re not playing on a level surface anymore, it’s an uphill battle. W. Curtin asked if he thought they need to hold off on it. They agreed to discuss it on Thursday night, after thinking it over.

S. Ames requested a motion to put Amendments #2, #3, #5, #6, and #9 on the ballot; those are the ones that were okay and there was no opposition.

S. Williams made a motion to place Amendment #2, #3, #5, #6, and #9 on the March ballot as presented. T. Roy seconded the motion, which passed by unanimous vote.

S. Williams requested that the existing language of the ordinance concerning the definitions be inserted into the proposed changes so that people won’t be confused.

Mr. Wentworth asked if they could get some reporter coverage for the next public hearing. W. Curtin answered that a notice was sent to the *Baysider*; he thought they would be here. S. Ames said Brandon Berube had told her he was coming, so something must have happened.

P. Monziona expressed his appreciation to the Board for all their hard work. S. Williams said that their mission really is to provide for the residents of Alton the best they can. They’re not perfect, but neither is anyone.

W. Curtin thanked Bob Longabaugh for taping the meeting and asked when it would be out on the air. Mr. Longbauer will not be able to attend on Thursday; he will try to see if there is someone else who can do it, or he will show a member how to run the equipment to tape the session.

VI. ADJOURNMENT

D. Hussey made a motion to adjourn; motion was seconded by S. Williams and passed by unanimous vote of the Board.

Public Hearing adjourned at 7:55 p.m.

Respectfully submitted,
Mary Tetreau
Recorder, Public Hearing